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[P. 186-A]

000 the archers and rendering the latter dependent on their Lese neighbors.

Legal System

671 There is virtually no evidence from which
• 421 any conclusions can be drawn about the legal system of the Efe archers or even of the nature of the sanctions that uphold social behavior. Schebesta (1941, 275 ff.; 1948, 533 ff.) points out, however, that, though the Mbuti function at one of the lowest known stages of economic development, they recognize both private and collective ownership and there is a definite property law.

421 The district hunted by the band, together
621 with all the vegetable and animal food con-
628 tained in that district and also raw materials used in Pygmy technology, is the collective property of the band. All members of the band share equal rights. Alien bands are tolerated only to the limit that the resident band desires to extend hospitality. The boundaries of the various territories, generally well known to all, are considered inviolable. If an animal is
[224] hunted across a boundary and killed there, it belongs to the band in whose territory it was killed. If the neighboring bands are on good terms, they usually share the spoil.

[P.186-C] [ARCHERS]

Schebesta (1948,533) argues that, as the representative of the lineage, the elder is also the guarantor of its law and is responsible for the respect of collective and private property. In the case of theft, the lineage thus offended demands satisfaction from the elder. Elders of different lineages settle disputes between them and must explain the settlement and plead reason with their own lineage. In disputes with villagers, it is the elder who accepts the responsibility for the wrongdoings of any individual member of his lineage, and the lineage must provide any agreed compensation. This transfer of responsibility from individual to lineage does not, however, diminish individual responsibility; if anything, it increases the responsibility as the injury to the lineage would probably be considered a worse offense than the one originally committed.

888 613 685 627 [421]

Individuals use the lineage in this way to affirm their rights against offenses such as theft and adultery. The band, as a whole, will take arms to defend its collective property and punish any violation of territory. Murder and homicide are followed by feud, which is directed by the elder, leaving, however, a large measure of initiative to the individuals involved. No examples, however, are given by Schebesta.

613 68 [621] [628] [888]

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[NET HUNTERS]

Anne Putnam reports that Pygmy groups pay social visits to villagers when they feel like having a rest from forest life. They stay for as long as their patron is prepared to feed them, or until they decide to return to the forest. She states that while a Pygmy certainly can break his relationship at any time, such is not often done. She also reports groups of archers and of net hunters that are very much under the control of their villager patrons and can defy them only with the greatest difficulty. The effective mechanism by which any individual villager maintains his authority over the Mbuti is not clear, as the benefits the Mbuti receives he can receive from any villager.

P 197 571 574 Z 563 571

Legal System

There are no data available on property law, and there is no clear distinction between collective and private property, as far as can be learned from the material that is available. Most items of personal possession, except used barkcloth, change hands at some time or another, temporarily or permanently, with or without any immediate exchange. There is certainly no scale of values by which any item of property may be assessed in relation to another. The question of whether personal goods, such as cooking utensils for the women or weapons and hunting nets for the men, are

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[P 229-D]

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Mbuti

(P. 230-A)

422 owned or merely possessed by the individual is not answerable at the moment. It would seem that utensils are in fact owned by the women and spears and bows and arrows by the men, but hunting nets appear to be subject to collective control, not only over their positioning during the hunts but also over their participation itself. Further, it is recorded in the notes that on occasion a hunting net that has not produced game for the community may be burned. All we know is that, when it is burned it is done with the approval of the community, though apparently on the initiative of the
428 "owning" family. There is no detailed information on inheritance, only the general observation that girls inherit from their mothers, men from their fathers.

421 It seems, first, that the forest and both its
[186] animal and vegetable produce are considered by the net hunters to be the property of the Mbuti as a whole, as opposed to the alien
[621] villagers. Second, it seems that any one section of the forest belongs to the band that hunts that section. But, although the band may be said to own a part of the forest and its members have an equal right to the produce, the equality is of opportunity rather than of division. A

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421 224 lazy hunter and his family go without meat; an idle woman goes without vegetables and has no roof to her hut. The division of game obtained during a net hunt is the only division that includes everyone in the band, whether or not they attended the hunt. Even then we do not know whether those who did not attend had any arrangement with any of the actual hunters. Nets are frequently lent, as are spears. It may well be that absentee members of the hunt participate by proxy and in this way entitle themselves to a share. The division itself, as is mentioned above, is said to be subject to complicated rules.

594 222 421 Apart from the net hunt, which is essentially collective and cooperative and concerns the band, other forms of food quest are familial. A woman is entitled to what she finds, for herself and her family. Similarly a man, hunting

594 224 42 individually with bow and arrow, may claim as his own anything that he may bring in, though in such a case there is some doubt. Using bow and arrow he would be likely to bring in only small game, and rarely, these Mbuti being very poor shots. If however, he killed or found large game, such as an okapi, on his own, it would be

[P. 230-B]

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[NET HUNTERS]

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most unlikely that the collective rules of division would not apply. It seems therefore to be a question of surplus. Every family is entitled to a minimum insured by the collective hunt and is equally entitled to the maximum that it can acquire and consume itself. Any surplus is not used for trade but becomes the share of the rest of the community. Maximum here must imply a correlation of capacity and decency. Putnam says that a woman who does not share the products of her gathering expedition with her friends (regardless of the quantity) is looked on with scorn. Similarly, when a man is sitting among his fellow hunters and his wife brings him a meal, he eats most of it himself but shares at least some with his companions. There is a definite preference in such sharing, but whether the amount of the portion depends on kinship or friendship or both is not clear in the sources under consideration.

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someone's hut.[8] The woman would be roundly criticized, and maybe named. Pepei was either ridiculed or caught by other youths and given a mild thrashing with a thorny branch. But that did not stop Pepei, and at one time he was becoming such a nuisance that there was considerable discussion as to how to deal with him.

One morning a leg of meat was found missing from a rack where it had been smoked in readiness for a visit to the village. The owner of the rack had been one of Pepei's most outspoken critics, Makubasi, a son of old Tungana. Pepei, incidentally, was a discriminating thief, and he was generally tolerated because his thefts frequently operated as unofficial sanctions against people who had incurred public disapproval for some reason or another. However, Makubasi was a highly respected member of the band, and Pepei had overstepped himself by committing a theft that could not be construed as a mark of disapproval of some mild misdemeanor on someone else's part, but that was plainly an act of personal vengeance. Instead of thrashing him, Makubasi simply pulled down his meat rack, tumbling it into the fire below and burning it along with what was left of the meat. It was a dramatic gesture, and although his wife was seen to sneak some of the meat out of the fire before it was consumed, it was an effective move.

Makubasi's mother collected all the meat she and Tungana had, brought it over and threw it on the ground in front of Pepei's house, saying it was a gift for animals and insects, and for Pepei to eat it if he wanted. This was too much for Pepei, who started crying and saying how terrible it was to be an orphan. Everyone ignored him and for the rest of the day not a word was spoken to him. The meat lay rotting outside his hut, where it remained until consumed by animals and insects.

That evening, again at dark, a peace offering of cooked food was brought to Pepei by Sau, the old "witch" from whom he most frequently stole. Thus did Sau, like Masisi, restore harmony and *ekimi* (quiet) to the camp.

[8] The acknowledgment of theft as a crime might well be taken in support of Nippold's (1954) contention that, together with other hunters and gatherers, the African pygmies, and the Mbuti in particular, have a highly developed sense of private property. It is a debatable point, and largely a semantic problem, and if labored too much only obscures the essential structural fact that regardless of the extent to which property is "privately" owned (and if it is, where are any corresponding patterns, let alone laws, of inheritance?), the obligation to share is an important recognized value, recognized in practice (cf., constant reciprocal prestations). There is frequent show of reluctance, but

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754 578 11. Sau was the mother of Amabosu, who had exchanged sisters with Ekianga. Sau was regarded by the villagers as a dangerous witch, a role she filled with zeal and which the Mbuti found useful in two ways. It provided them with a scapegoat in the forest just as it was a handy excuse for any misadventure in the village. In either situation the latent dramatic possibilities appealed enormously to the old lady's histrionic susceptibilities. One day Sau asked the wife of Mbaaka, a [535] nephew of Njobo, for some food. She was refused. That night she did a little dance in front of Mbaaka's hut, her usual way of showing [224] her displeasure. The next day, on the hunt, Masisi's son was about to run in bare-handed to catch a sharp-toothed *sindula* (chevrotain), but Amabosu persuaded him to take his spear. He did so, and then collided with Mbaaka, spearing him in the side.

There was actually some bad feeling between Amabosu and Mbaaka, and in case this was brought up (making it seem that Amabosu had deliberately caused his injury) the discussion of the incident was quickly turned to the refusal of Mbaaka's wife to give Sau food. She thus became the prime target for blame, with Sau acting as a secondary scapegoat, being criticized for dancing her "bad 578 dance" outside Mbaaka's hut. In case anyone should take it too se- 522 riously, Manyalibo promptly started making fun of Sau's dance, flap- 626 ping his hands to imitate Sau's pendent breasts. This was taken up by the children, who would not be content until Sau herself gave a demonstration.

626 That evening several hunters stood in midcamp[6] and said what a 683 good camp it was, and commented on the good hunting. No further 648 word was said about the spearing, except in the village, where the 571 respective *kpara* went to the tribunal to effect reconciliation (between 608 themselves) and blood payment. Amabosu's *kpara* agreed to pay sixty 186 francs to Mbaaka's *kpara*, Masisi's *kpara* paying only forty. This news caused great hilarity in the camp, and the comment that villagers were 626 animals, always "eating" each other. Between the Mbuti themselves I 683 could find no evidence of blood payment of any kind, though any incident involving the drawing of blood is bound to provoke discus-

[685] [157] [427] failure to share in time of need is considered a far greater crime than is petty (i.e., individual) theft.

[6] The importance of the "midcamp" position is that it defines the viewpoint of the [621] [156] person talking. An individual talking from his own hearth talks as an individual. If he talks from midcamp he is taking a band rather than an individual point of view. Similarly the *kumamolimo* is central, but more restricted in area and viewpoint, being used as a vantage point to discuss with the whole band matters pertaining to the *molimo*.